

City of Cincinnati

E.M.T.R.

An Ordinance No. 328 - 1995

RESTRICTING the use of land filled with contaminated material, prohibiting placing unapproved and contaminated fill materials and requiring inspection for environmental contamination of fill materials by ordaining supplementary Section 1134-06, Restricted Use of Filled Land, and by amending Section 1101-16, Permits, Prior Approvals Required, Section 1101-17, Permits, and Section 1134-02, Prohibition of Certain Excavations, Fills, or Grades, of the Cincinnati-Ohio Basic Building Code.

WHEREAS, soil excavation and fill operations can result in risks to people at the fill site if the soil placed comes from a borrow site that is contaminated with compounds that are known to be deleterious to health or the environment; and

WHEREAS, fill sites that become contaminated may require remedial operations, including removal of contaminated materials that are extraordinarily expensive; and

WHEREAS, these risks and expenses can be avoided by requiring appropriate site surveys of borrow sites and fill materials before fill operations begin;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. Supplementary Sections 1134-06 of the Cincinnati-Ohio Basic Building Code, Title XI of the Cincinnati Municipal Code, is ordained to read:

§ 1134-06. Restricted Use of Filled Land.

A person may not use land that has been filled with contaminated material in violation of a restriction imposed by the city manager under Chapter 1031, Soil Contamination Standards, of Title X, Environmental Code, of the Cincinnati Municipal Code.

Section 2. Sections 1101-16, 1101-17 and 1134-02 of the Cincinnati-Ohio Basic Building Code are amended to read:

§ 1101-16. Permits, Prior Approvals Required.

1101-16.1 Sewers: No permit for the construction of any building or addition shall be issued by the director of buildings and inspections until the applicant has obtained review and approval from the metropolitan sewer district of greater Cincinnati.

1101-16.2 Electrical supply: No permit for the construction, change of use, or addition to any building shall be issued by the director of buildings and inspections until

the applicant has obtained review and approval from the electrical inspection agency for the installation of the electrical system.

Exception: Buildings of use groups R-3, R-4 and R-5.

1101-16.3 Driveways: When the applicant applies for a building permit upon a dedicated street where no sidewalks are constructed and where a driveway is to be constructed, he shall be required to present detailed drawings in triplicate to the engineering division of the department of public works of the City of Cincinnati to obtain a special approval before the building permit is issued to assure proper construction of the driveway. The grade of the proposed driveway at the property line and on the street right-of-way shall be constructed to meet the requirements of the engineering division of the department of public works of the City of Cincinnati.

1101-16.4 Water supply: No permit for the construction of any building shall be issued by the director of buildings and inspections except where adequate water supply and facilities for fire fighting purposes are available, as determined by the fire chief. No permit for the construction of any building intended for human occupancy shall be issued by the director of buildings and inspections until the water works has certified the availability of city water, or the commissioner of health has approved some other source. If the director of buildings and inspections finds that upon inspection of any building under construction that adequate water supply or facilities for firefighting purposes, as determined by the fire chief, are not being furnished as required, then the director of buildings and inspections may stop such construction and revoke the permit previously issued therefor until such time as adequate water supply or facilities for firefighting purposes, as determined by the fire chief, are furnished.

1101-16.5 Flood insurance program: The director of buildings and inspections shall review all permit applications to assure that proposed new construction, alterations or additions will be in accordance with Chapter 1133 COBBC and the applicant has received all necessary permits from those governmental agencies from which prior approval is required.

1101-16.6 Historic conservation: No permit for the alteration of any historic structure, as determined by the historic conservation board, shall be issued by the director of buildings and inspections except where a certificate of appropriateness has been issued by the urban conservator.

1101-16.7 Stormwater management: No permit for the construction of any building, building addition, or parking lot, or for the excavation or fill of land shall be issued by the director of buildings and inspections until the applicant has obtained review and approval of the proposed work from the stormwater management utility division of the department of public works.

Exceptions:

- (1) Permits for buildings, building additions, and parking lots less than 800 square feet in area.
- (2) Cut or fill permits for the demolition of structures or for the installation of underground tanks.

1101-16.8 Zoning: The director of buildings and inspections shall review all permit ****I**** applications to assure compliance with the Zoning Code of the City of Cincinnati, and the director shall not issue any permit where the proposed work or proposed use would violate or fail to comply with all applicable provisions of the Zoning Code of the City of Cincinnati.

1101-16.9 Excavation and Fill: The director of buildings and inspections may not issue a permit to place at a fill site more than 500 cubic yards of fill material from an off-site borrow unless the fill material has been approved under Chapter 1031, Soil Contamination Standards, of Title X, Environmental Code, of the Cincinnati Municipal Code.

Exceptions:

- (1) Up to 1,000 cubic yards of fill material if the fill site is wholly within a zone district less restrictive than the R-7 District.
- (2) Any amount of construction and demolition debris within the meaning of § 00091 of the Regulations of the Board of Health of the City of Cincinnati.

1101-16.10 Restricted Fill Site : The director of buildings and inspections may not issue a permit for work in violation of a restriction imposed by city manager under Chapter 1031, Soil Contamination Standards, of Title X, Environmental Code, of the Cincinnati Municipal Code.

§ 1101-17. Permits.

1101-17.1 Permits required: It shall be unlawful for any person to construct, enlarge, alter, repair, relocate or demolish a structure or building equipment installed therein; change a structure to another use; or allow any excavation or filling of land, without first filing an application and obtaining a proper permit from the director of buildings and inspections, and paying the fee hereinafter prescribed for same.

Exceptions:

- (1) Minor repairs (see § 1101-13.2 COBBC).
- (2) Normal cemetery operations of opening or closing graves.

(3) Public work performed by or under control of the director of public works other than elevated pedestrian walkways or excavation or filling of land performed outside the project work limits.

(4) Exploratory excavations under the direction of a registered professional engineer, geotechnical engineer, engineering geologist, soil scientist, or architect where incident to the practice of architecture, and exploratory excavations by a contractor or builder provided they are not made in a slope steeper than five horizontal to one vertical. All such excavations shall be promptly and properly filled, and the terrain shall be properly restored.

(5) Temporary trenches for sewers, water lines, gas lines, electric lines, and other underground utilities.

(6) Subject to the provisions of ****2** Chapter 1134 COBBC**, any excavation that does not exceed five feet in vertical depth at its deepest point or 100 cubic yards per each 5,000 square feet of site area, whichever is the more restrictive, and is made on natural terrain with a slope flatter than five horizontal to one vertical and does not result in a finished slope steeper than three horizontal to one vertical.

(7) Subject to the provisions of ****2** Chapter 1134 COBBC**, any fill that does not exceed five feet in vertical depth at its deepest point, ****3**** contain more than 100 cubic yards per each 5,000 square feet of site area, ****4**** and is made on natural terrain with a slope flatter than five horizontal to one vertical and does not result in a finished slope steeper than three horizontal to one vertical.

(8) Subject to the provisions of ****2** Chapter 1134 COBBC**, any excavation for a basement and footings of a building authorized by a valid building permit, provided the excavation does not exceed eight feet in vertical depth at its deepest point or 350 cubic yards per each 5,000 square feet of site area, whichever is the more restrictive, and is made in existing terrain with a slope flatter than 10 horizontal to one vertical, and the subsequent filling with this excavated material on the same site, provided the fill does not exceed five feet in vertical depth at its deepest point or 350 cubic yards per each 5,000 square feet of site area, whichever is more restrictive, and is placed on existing terrain with a slope flatter than 10 horizontal to one vertical and does not result in a finished slope steeper than three horizontal to one vertical.

(9) Where a succession of small excavations or fills individually not requiring a permit, constitutes a continuing operation on a property and the accumulation of such excavations or fills on that property will not exceed five feet in depth or 100 cubic yards per each 5,000 square feet of site area.

(10) Excavation or filling of land necessary for the permanent removal of existing underground storage tanks provided excavated soil is not removed from the site; and,

(11) Demolition prior to replacement of existing single story, detached garage structures, less than 800 square feet in area.

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1101-17.2 Permits issued: It shall be the duty of the director of buildings and inspections or the electrical inspection agency to examine the applications for permits within a reasonable time after filing. If the examination reveals no objections to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto and the proposed construction or work will be safe, such application shall be approved and a permit issued for the proposed work as soon as practicable. If the examination reveals otherwise, such application shall be rejected or delayed and the findings shall be communicated in writing to the applicant.

1101-17.3 Separate permits required: A separate permit shall be required for the following branches of the work which will not be included in the building permit: sprinkler equipment, tanks, pumps, elevators, plumbing, signs, excavation or filling of land (each site), mechanical equipment, electrical work, and other regulated equipment or work.

1101-17.4 Electrical permits: Separate and distinct permits shall be required for electrical work as set out in §§ 1101-17.4.1 and 1101-17.4.2 COBBC.

Exception: Replacement gas or oil furnaces and boilers, replacement heat pumps, and replacement air conditioning equipment, connected to existing branch circuits in single, two or three family dwellings: see § 1101-86.2 COBBC.

1101-17.4.1 Wiring: The installation or repair of any permanent electrical wiring, including but not limited to extensions to existing wiring.

1101-17.4.2 Equipment: The installation or alteration of any electrical equipment or electrical service equipment.

1101-17.5 Permits to wreck structures having party walls: Before issuing any permit for the wrecking of any structure having one or more party walls, the director of buildings and inspections shall take the successive steps set out in §§ 1101-17.5.1 and 1101-17.5.2 COBBC.

1101-17.5.1 Affidavit: Secure the affidavit required by § 1101-18.7.1 COBBC.

1101-17.5.2 Permit issued: No sooner than ten days after receiving the affidavit required by § 1101-18.7.1 COBBC, issue the permit with such conditions as the director

of buildings and inspections may deem necessary to protect the safety of any abutting structure of the public health, safety and welfare.

1101-17.6 Permits to wreck structures containing asbestos: No permit for the demolition of any building, structure, facility or installation, that is deemed to contain a significant risk of exposure to asbestos fibers, pursuant to § 1130-04.1 COBBC, shall be issued by the director of buildings and inspections until such director has made a determination that the demolition will be in accordance with the requirements of § 1130-04.2 COBBC.

1101-17.6.1 Presence of asbestos fibers: When a permit is granted for the demolition of a building, structure, facility or installation, that is deemed to contain a significant risk of exposure to asbestos fibers from the dislodging of asbestos during demolition, pursuant to § 1130-04.1 COBBC, the department of buildings and inspections shall notify the fire division in order that local fire stations may be alerted to the danger of exposure to asbestos involved in fighting a possible fire at that location.

§ 1134-02. Prohibition of Certain Excavations, Fills, or Grades.

1134-02.1 ****6** Slope:** A permit may not be issued for an excavation or fill to be made with a face steeper in slope than three horizontal to one vertical.

Exception: The director of buildings and inspections may permit an excavation or fill to be made with steeper face if an applicant demonstrates satisfactorily by means of appropriate soil exploration and analysis and the written opinion of the geotechnical engineer that the materials are capable of standing on a steeper slope without creating any of the hazards described in §§ 1101-17.1.1 and 1101-50.5 COBBC.

1134-02.2 Prohibitions: A person may not excavate or fill land shall so as to cause a slope to become unstable, impose loads that may affect the safety of structures or slopes, interfere with adequate drainage for the site or land tributary to the site, obstruct, damage, or adversely affect lawfully existing sewers or drains, cause a stagnant pond of water to form, cause erosion or sedimentation, or in violation of the Regulations of the Board of Health of the City of Cincinnati or the standards of the Ohio Environmental Protection Agency.


1134-02.3 Fill Material From Off-Site Borrow: A person may not place at a fill site more than 500 cubic yards of fill material from an off-site borrow (1,000 cubic yards of fill material if the fill site is wholly within a zone district less restrictive than the R-7 District) unless that material has been determined to be suitable for the intended use of the fill site under Chapter 1031. Soil Contamination Standards, of Title X, Environmental Code, of the Cincinnati Municipal Code. Further, a person may not place as fill material that is contaminated in excess of the levels acceptable for commercial or industrial sites under Chapter 1031.

Exception: Fill placed under a permit to operate issued by the Ohio Environmental Protection Agency

Section 3. Existing Sections 1101-17 and 1134-02 of the Cincinnati-Ohio Basic Building Code are repealed.

Section 4. This ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: October 4, 1995

Attest: 
Clerk


Mayor

New language underscored. Deletions indicated by asterisk.

1 allocations

2 § 1134-05

3 or

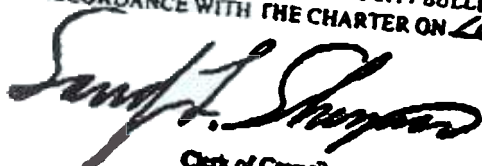
4 whichever is the more restrictive,

5 1101-17.1.1 Prohibitions: Notwithstanding the exceptions of § 1101-17.1 COBBC, no excavating or filling of land shall cause any slope to become unstable, impose loads which may affect the safety of structures or slopes, interfere with adequate drainage for the site area and the area of land tributary to the site, obstruct, damage, or adversely affect lawfully existing sewerage or drainage, public or private, cause a stagnant pond of water to form, or cause erosion or sedimentation. (Replaced by new § 1134-02.2)

6 General: No permit shall *5**

MANAGER/LEGISLATION

I HEREBY CERTIFY THAT ORDINANCE NO. 328
1995 WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 10-17-95


Clerk of Council